

PROPOSED AMENDMENTS INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

Presented by:

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WHAT IS THE IPMC?

The IPMC is the current property maintenance code for the City of Memphis.

In 2018 City Council approved the adoption of the IPMC which replaced the previous Housing Code standards. Since then, there have been no changes or amendments.

Enforcement authority

Public Works is responsible for enforcement of the IPMC.

1. Managed by Neighborhood Improvement Department
 - Residential Code Enforcement
 - Commercial Code Enforcement
 - Grounds Services

TECHNICAL AMENDMENTS

The following amendments are proposed so that the IPMC reflects
Public Works current practices and resources

ADDITION OF PRESUMPTION OF MOLD AND LEAD

If code official (or designee i.e. an Inspector) determines that mold or lead exists at a structure, then there is a rebuttable presumption that the hazard exists.

- Amends IPMC 304.2.1- Exterior
- Amends IPMC 305.3.1- Interior
 - Amends IMPC 305.3- Interior surfaces

TREES AND SHRUBS

- Added this section to explicitly identify standard for trees and shrubs.
- This provision reflects the previous housing code standard for trees and shrubs
- Unclear as currently written as to what standards are enforceable
- Amends IPMC Section 302.5

MOTOR VEHICLES CHANGES

Amends IPMC Section 302.8

- New language specifies the type of dustless surface a car could be parked on.
- All vehicles parked or stored in single-family residential, duplex, or multifamily zoning districts shall be parked or stored on asphalt, concrete, brick, pavers (interlocking or permeable), or gravel/rock.

Amends IPMC Section 302.8.2

- Removed language related to notice of auction sale for cars that are towed.
- Code Enforcement does not conduct the auction sales for towed vehicles.

CONDEMNATION CHANGES

- Updated this section to reflect our current condemnation process and the process outlined in the City Charter.
- Owners may appeal decisions of the Condemnation Review Officer to the Environmental Court.
 - This is required according to the Appeal section of the IPMC
- Amends IPMC Sections 108.3, 108.4, 108.6, 108.7, and 110.

SUBSTANTIVE AMENDMENTS

The following amendments are new practices or procedures that are not part of our current practice.

CHRONIC NUISANCE

Objective is to address properties with repeat code violations and criminal activity in partnership with MPD

Process:

- Code Official/designee determines that a non-owner-occupied dwelling meets the definition of chronic nuisance
- Owner receives summons to Environmental Court
- Court makes the final determination if property is chronic nuisance
- If determined to be a chronic nuisance the Court may require a comprehensive inspection

CHRONIC NUISANCE

Definition - Any non-owner-occupied dwelling that is determined by the Environmental Court to be a menace to public health, welfare, or safety as identified by the following factors:

- (1) A pattern of applicable criminal activity at a non-owner-occupied dwelling that is materially greater than average for a similarly situated non-owner-occupied dwelling provided , however, that the pattern does not include an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the non-owner-occupied dwelling or on the premises; or
- (2) Repeated failure of the non-owner-occupied dwelling to comply with the provisions of the Tennessee Uniform Residential Landlord Tenant Act (T.C.A. § 66-28-101 et seq.) that require the owners of non- owner-occupied dwellings to maintain a safe environment and essential services for the occupant; or
- (3) A pattern of ordinance violations or other neglect of property conditions at a non-owner-occupied dwelling that negatively impacts the health and safety of the occupant(s), and that is excessive after a review of all the facts and circumstances; or
- (4) Any other illegal activity or property conditions at a non-owner-occupied dwelling or on the premises, which have been determined by the Environmental Court or another court of competent jurisdiction to be a menace to public health, welfare or safety.

CHRONIC NUISANCE PROCESS

1. Code Enforcement issues a Court summons to Owner based on chronic nuisance determination.
2. Hearing is held in Environmental Court and final determination is made about whether the property is a Chronic Nuisance. If the Court finds that the property is a chronic nuisance the Court shall require within 45 days, a comprehensive unit by unit by inspection and a site safety inspection.
3. After 45 days the site safety inspector and Code Enforcement will update the Court on their findings. The Court will determine the steps the Owner must take to abate the chronic nuisance.
4. The Court will hold a third hearing six (6) months later to determine if further monitoring is needed.
5. Declaration of a chronic nuisance by Environmental Court is a bar on transfer of the subject parcel.

CHRONIC NUISANCE ACTIVITY CAUSED BY GUESTS

If the nuisance activity has been or is being conducted by a guest or guests of a tenant(s) or occupant(s), then the Environmental Court shall order the owner or property manager to:

1. Place the individual(s) on Authorization of Agency and bar them from the non-owner-occupied dwelling;
2. Provide the tenant(s) or occupant(s) with written notice that allowing such person(s) on the premises shall constitute a lease violation for which tenancy may be terminated.

PROPOSED FEE SCHEDULE CHANGES

- Proposed amendment to the fee schedule will reflect Public Works actual costs to enforce City ordinances.
 - Performed a detailed budget analysis to derive actual costs to provide each service type
 - Current rates and fees are not legally justifiable
- Proposed amendment to the ordinance allows Public Works – Department of Neighborhood Improvement to amend the fee schedule as needed in the future
 - Operational costs increases
 - Ordinance changes
- IPMC Section 103.5
 - The fees for activities and services related to the prosecution of violations of this ordinance shall be in accordance with the fee schedule duly adopted by the Division of Public Works- Department of Neighborhood Improvement.

FEE SCHEDULE CHANGES

Property Inspections and Re-Inspections – detailed interior and/or exterior inspections

Initial Inspection

1. Residential/base fee - \$105.00 per dwelling unit
 - Example triplex dwelling: $3 \times \$105 = \315
 - Example 500-unit multi-family: $500 \times \$105 = \$52,500$
2. Commercial Property charged base fee plus \$20.00 per 1,000 square feet
 - Example 10,000 square feet: $\$105 + \$200 = \$305$

Currently \$215 for 1 & 2 family structures. \$150 for multi-family plus \$25 per unit cost or \$18 per unit cost if multiple buildings.

Re-inspection

1. Residential/ base fee - \$70.00 per dwelling unit
2. Commercial Property charged base fee plus \$10.00 per 1,000 square feet
 - Example 10,000 square foot: $\$70 + \$100 = \$170$

Currently base fee of \$280 for commercial properties plus \$20 per 1,000 square feet.

No fee will be imposed where there is no violation found upon inspection.

Condemned properties have a separate inspection fee.

FEE SCHEDULE CHANGES

Second Notice Fees

Second and subsequent exterior violations (such as but not limited to trash, grass, and disabled, abandoned motor vehicles) in the same calendar year are subject to an administrative fee of \$15.00._____

Currently \$75

Condemned Property Fee

Properties that have been condemned pursuant to Section 108 of the IPMC are subject to the following

Initial Inspection Fee

1. Residential/Base fee - \$130.00
2. Commercial Property charged based fee plus \$20.00 per 1,000 square feet
 - Example 10,000 square foot: $\$130 + \$200 = \$330$

Re-inspection fee

1. Residential/Base fee - \$95.00
2. Commercial Property charged based fee plus \$10.00 per 1,000 square feet
 - Example 10,000 square foot: $\$95 + \$100 = \$195$

Currently condemned properties have a monthly administrative fee of \$150 (non-commercial) and \$500 (commercial). Additionally, properties that go through the entire demolition process are assessed a total \$4,000 administrative fee.

No fee will be imposed where there is no violation found upon inspection.

FEE SCHEDULE CHANGES

Improper Motor Vehicle Fee - \$70.00 ——— Currently \$100

Trash and Grass Abatement Fee - \$50.00 ——— Currently \$265

- Fee does not include actual cleanup and mowing costs
- Total cost to owner would be cumulative

Emergency Board-up Fee - \$55.00 ——— Currently \$265

- Fee does not include actual board up/securing cost
- Total cost to owner would be cumulative

Failure to Pay Penalty

Fees incurred hereunder shall be due 90 days from the date of the initial inspection and subsequent inspections and payment shall be due quarterly thereafter. In the event fees are not paid within 15 days from the date of the notice given to make payment, there shall be assessed a penalty of \$10.00 per day until payment is made in full, with a maximum penalty assessment of \$250.00.

Currently has no max penalty